

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6277 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO
1 to 5 No

LALABHAI CHHOTABHAI

Versus

COLLECTOR

Appearance:

MR DS VASAVADA for Petitioners

RULE SERVED for Respondent No. 1

MR PK JANI for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 19/09/2000

ORAL JUDGEMENT

1. The petitioners, seven ex-employees of the respondent No.2 -Siddhpur Nagar Palika, have filed this petition to enforce recovery of the amount of gratuity

which has been determined by the controlling authority under the Payment of Gratuity Act. It is submitted that neither the respondent No.2 employer has paid the amount of gratuity nor the respondent No.1 Collector to whom the recovery certificates are sent for effecting the recovery under the Bombay Land Revenue Code had taken any steps to recover the amounts from the respondent No.2.

2. The learned counsel appearing for the respondent No.2 Mr.P.K.Jani submitted that the Nagar Palika is in a precarious financial condition and even the current wages of regular employees are in arrears since last 3-4 months. Under such circumstances, a statement is made that if the amount due to the petitioners is ordered to be paid in easy instalments, the respondent No.2 will be able to pay to them. The learned counsel for the petitioners submitted that for granting such facility of instalments, the respondent No.2 may be directed to pay the total amount due to the petitioners in equal monthly instalments spread over 18 months starting from 01st October, 2000. On this consensus, it is ordered that the respondent No.2 shall pay to the petitioners the total amount due to them on account of gratuity and the interest due thereon within 18 months starting from 01st October, 2000 in equal 18 monthly instalments. It is further directed that in case of any default or failure on the part of the respondent No.2 to pay the instalments regularly and within seventh day of each month, the respondent No.1 Collector shall take appropriate actions in accordance with law for the purpose of enforcing the recovery pursuant to the recovery certificates sent to him. If any of the orders of the controlling authority granting or determining the amount of gratuity in case of any of the petitioners is challenged by the respondent No.2 in appeal, such proceedings will be proceeded in accordance with law and if the entire amount of gratuity is deposited before the appellate authority before 10th October, 2000, in such case, the order as above shall not operate in respect of such petitioner. With this order, the petition is partly allowed and Rule is made absolute in the above terms. There shall be no order as to costs.

Sd/-

(KMG Thilake)

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